

Group III: Claims 1-3, in part, drawn to a peptide comprising SEQ ID NO: 3 and a method of treating a patient suffering from Multiple Sclerosis comprising administering an effective amount of a peptide of SEQ ID NO: 3; and

Group IV: Claims 1-3, in part, drawn to a peptide comprising SEQ ID NO: 4 and a method of treating a patient suffering from Multiple Sclerosis comprising administering an effective amount of a peptide of SEQ ID NO: 4.

Applicants elect, with traverse, Group I, Claims 1-3, in part, drawn to a peptide comprising SEQ ID NO: 1 and a method of treating a patient suffering from Multiple Sclerosis comprising administering an effective amount of peptide of SEQ ID NO: 1, for further prosecution.

The Examiner, citing PCT Rule 13.1 and 13.2, contends that Groups I-IV do not relate to a single general inventive concept because they lack the same or corresponding special technical features. However, Applicants traverse the Restriction Requirement on the grounds that the Office has not applied the same standard of unity of invention as the International Preliminary Examination Authority. The Authority did not take the position that unity of invention was lacking in the International application and examined all claims together (see the International Preliminary Examination Report appended herewith). Applicants note that PCT Article 27(1) states that no national law shall require compliance with requirements relating to the form and contents of the International application different from or additional to those which are provided for in the Patent Cooperation Treaty and the Regulations.

In fact, Applicants point to Section V of the International Preliminary Examination Report, in which the International Authority found the present invention to possess novelty, as well as inventive step.

Moreover, the MPEP in §803 states as follows:

"If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. In fact, the International Searching Authority has searched all of the claims together.

For the reasons set forth above, Applicants contend that the Restriction Requirement is improper and should be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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